

REMARKS

35 U.S.C. §§ 102 AND 103 REJECTIONS

The Final Office Action rejects claims 1, 3-11, 14-28, 32-39, 44-45, and 48-49 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,381,012 to Russek. It is submitted that independent claim 1, as amended, patentably distinguishes over the relied upon portions of Russek for at least the following reasons,

Claim 1 recites:

two secondary locating means provided on the belt disposed on
respective opposite sides of and equidistant from the main locating
means for locating two or more corresponding side electrodes of
the at least three electrodes

(emphasis added)

In the Office Action, it is alleged that elements 51-56 of Fig. 7 of Russek are “locating means.” While Applicant’s disagree with the Examiner’s opinion regarding these features of Russek, it is submitted that Russek does not teach “two secondary locating means...equidistant from the main locating means.” Rather, the relied upon portions of Russek teach pairs of locating means. Further, the relied upon portions of Russek, for example Fig. 7 shows that the side electrodes are not equidistant from each of the purported central electrodes. Therefore, Russek does not teach a main locator means for locating a central electrode about the central umbilicus and two secondary locating means located equidistantly from the main locating means for locating two corresponding side electrodes of the at least three electrodes. For at least these reasons, claim 1 patentably distinguishes over the relied upon portions of Russek and is allowable. It is respectfully requested that the rejection of claim 1 be withdrawn. Further, as claims 3-11, 14-28, 32-39, 44-45, and 48-49 depend from allowable claim 1, it is requested that these rejections also be withdrawn.

The Examiner has rejected claims 52-58, and 60 under 102(b) as anticipated by U.S. Patent No. 5,724,996 to Piunti.

Claim 52 recites a step of “providing means electrically connecting said at least three electrodes and a signal generator, said means enclosed within a belt.”

It is respectfully submitted that Piunti does not teach such a step. The Examiner proposed the amendment to claim 52 made herein, to distinguish over the alleged “attachment means” (the insulation covering the wires) which is taught by Piunti. Accordingly, it is submitted that claim 52, as amended, patentably distinguishes over the relied upon portions of Piunti and is allowable. Claims 53-58, and 60 which depend from claim 52 are allowable therewith.

The Examiner has also rejected claims 29, 30-31, 46-47 and 50-51 under 35 U.S.C. § 103(a) as unpatentable over Russek, either alone, or in view of U.S. Patent No. 5,190,036 Linder. Further, the Examiner has rejected claims 61-63, 65-68, and 70 under 35 U.S.C. § 103 as unpatentable over Piunti.

In response, it is respectfully submitted that because each of these claims depends from either claim 1 or 52, which have been distinguished over the relied upon portion of the cited references above, claims 29, 30-31, 46-47, 50-51, and 61-63, 65-68, and 70 are similarly patentably distinguished over the cited references. Accordingly, withdrawal of these rejections is earnestly solicited.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the cited prior art, entry of the foregoing amendment is respectfully requested and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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